

# QUID NOVI

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## QUID NOVI

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## IN THIS ISSUE...

3... Redefining Radicalism

4... In Response to Non-sense

5... Market Mutterings

6... Kosher Wine Tasting:  
If it's good enough for  
Elijahu....

6... Lawmerick

7... Reaching Across Lines

8... "...où le vin est bon"

10... Speaking Out in  
Chancellor Day Hall

10... Well Played

11... Rambling without a  
Destination...

12... Should law students  
support differential tu-  
ition?

14... The Hickey

16...Steps to being a  
Playah

## EDITORIAL

### *Nahum: Our Home Away From Home*

by RACHEL SEVIGNY (Law III)

I don't know if you have ever googled Nahum Gelber Law Library, but some interesting things popup. For instance, did you know that NGLL is actually an acronym for our library online? I think the coolest thing that comes up is that a guy even has a Flickr page with a picture dedicated to our library! You will find articles from the McGill Reporter from 1998 (when the library was first unveiled) as well as from the McGill Alumni news.

The library has actually been around for ten years (not six like I thought) and in amazing shape! Before Gelber was here, our library that was in the "Peel Manor" (a 33-unit apartment building next to CDH) was one of the worst in Canada; it was stuffy, loud, lacking of books and there were barely any seats for students (I bet you the snails weren't all over the place either). In 1997 the Manor was demolished making room for one of Canada's top legal libraries. It went from the worst to best in about a year! More than \$13 million was donated (from grads, firms, foundations and others – with Mr Gelber himself having donated the most) to build this extraordinary piece of architecture and enhance the collections here – it is the most successful fundraising initiative by any law faculty in the country.

To top it off the Premier of Québec at the time, Lucien Bouchard and the then Lieutenant-Governor, Lise Thibault, attended the opening of the library in September 1998. In his speech, Bouchard said that the generosity of McGill alumni should inspire more former students of Québec universities. Students had a major voice in the creation of this library, and even sent the architects back to the board at first, when their plans didn't suit their needs.

Even though Stephen Toope, the Dean at the time, is no longer here at the faculty, the creation of this library was his baby and he helped make it happen. I would like to thank Mr. Toope for doing what he did, for envisioning my future home away from home... my sanctuary – and a big thanks to all the donors who made it happen!

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Contributions should also include the **student year** of the contributor.



# Redefining Radicalism

by MARIANNE KNAI (LAW I)

*Lors du Town Hall de cette semaine, Lissa Greenspoon (présidente de Radlaw) m'a informée que la majorité des membres de Radlaw était en désaccord avec le fait de déranger l'évènement de MESLA. Dans mon article, je m'adresse donc aux membres de Radlaw et les étudiants non-affiliés qui se reconnaîtront par les actions décrites ci-dessous.*

Recently, the actions of a number of students as well as certain members of a "radical" student group (Radlaw) forced a McGill Entertainment and Sports Law Association (MESLA) event to be cancelled. The huge amount of work put in by fellow students was flushed down the toilet because a few individuals refused to communicate, in the name of radicalism. Angered by Dick Pound's comments (*made 3 months ago*), these students decided to disrupt a talk on anti-doping regulation Chancellor Pound was to give on November 7th. Let me be clear: the object of this article is not to discuss Chancellor Pound's comments. In fact, they are quite irrelevant to the subject matter at hand.

The intention of Radlaw, as I understand it, was to hold Chancellor Pound accountable for his comments by questioning him at the event. Not surprisingly, the organizers of the event (fellow students who started planning and had invited Chancellor Pound well before these remarks were made public) were concerned. In an effort to work together, they con-

tacted Radlaw and invited them to discuss their concerns and investigate alternative ways for Radlaw to voice their dissent. Over a day went by without any response, and it took a follow-up call from MESLA for Radlaw members to respond at all. While Radlaw remained silent, MESLA pushed to have Chancellor Pound meet the demands of this group of students. They communicated with him and he agreed to meet with any student who may have questions and issues regarding the statements he made. Radlaw members were dissatisfied and insisted that, despite this initiative, they would use MESLA's event as a forum to engage the Chancellor. To add insult to injury, Radlaw alerted media outlets about the event without advising MESLA.

With the event nearing and controversy arising, MESLA had no choice but to scale back its invite list. The spirit of the event, which was intended to be a meet and greet between industry professionals, alumni, and interested students, had been crushed. MESLA, out of respect for its sponsors, alerted them and offered them an out. They took it. All that was left was the skeleton of the first major MESLA event (an organization that has recently been brought back to life in order to meet the needs of students who have an interest in sports and entertainment law, as few or no classes are given on these subjects).

Last Friday, in a last effort to

try and come to an understanding, MESLA met with Radlaw (a meeting proposed by MESLA) to listen to their concerns. Several members (though not all) maintained their position that in order to truly hold Chancellor Pound accountable, the event had to be disrupted. Friday evening, seven days before the event, a decision was made to cancel it.

Nous comprenons tous que le radicalisme, par définition, cherche à déranger l'ordre social dans l'objectif de rendre la société plus juste et équitable et ce, par des moyens controversés. Or, à la lumière des événements de la semaine dernière, les actions de Radlaw sont-elles réellement radicales ? Lorsque une des revendications est de questionner M. Pound, est-ce vraiment radical de ne pas accepter de communiquer avec lui lorsqu'il vous offre cette possibilité ? Est-ce radical de s'opposer lorsque que des solutions sont proposées ? En quoi est-ce que votre manque de respect, votre manque d'égard au travail effectué et votre manque de SOLIDARITÉ étudiante ont été radicales ? Par ailleurs, si votre objectif était de faire annuler l'évènement, comment justifiez-vous cet acte « radical » comme rendant la société (ou même la communauté de la faculté) plus juste et équitable ?

Il est important de noter que certains membres de Radlaw ont, au courant de la semaine, suite aux discussions, décidé de ne pas se présenter à l'évènement. A tous

ceux-ci : merci d'avoir eu le courage de discuter et de trouver un terrain commun sur lequel nous pourrions, à l'avenir, se rejoindre. Vous avez fait preuve d'un radicalisme réel en acceptant de revenir sur votre position dans l'intérêt du plus grand nombre de personnes et nous vous en sommes reconnaissants.

Aux membres de Radlaw qui ont refusé de démontrer une once de SOLIDARITÉ étudiante: MESLA était prêt à travailler avec vous. Nous nous sommes montrés disponibles, conciliants et soucieux de vos demandes. Sous prétexte de ressentir le devoir de ne pas accepter qu'un groupe d'étudiants invite M. Pound, plusieurs d'entre vous êtes restés sur votre position. Vous avez proclamé à qui voulait bien l'entendre que vous étiez outré d'étudier dans une université avec M. Pound comme Chancelier. Mais, autre que votre déraillement d'un événement d'autrui, comment avez-vous manifesté votre mécontentement depuis votre admission en droit ? Avez-vous essayé de parler à M. Pound directement ? Avez-vous organisé un forum étudiant pour discuter de vos inquiétudes ? Pourquoi choisir de brimer quelqu'un d'autre pour vous faire entendre ?

A great friend once said to me that:

It is radical to be conciliatory when others are divisive.

To this I would like to add:

It is radical to reach out to someone who opposes you and invite him/her to converse.

It is radical to be gracious in



the face of disrespect.

It is radical to point out such disrespect while emphasizing the other's right to protest.

It is radical to show restraint when your opponent is inflammatory.

It is radical to work together with someone in tandem, treat them with respect, and truly share the workload, as Ryan Elger and Téo Leroux-Blackburn did in the planning of the MESLA event.

It is radical to shake the hand of someone who has slighted you.

It is radical to emphasize community, when everyone gives in to discord.

No one said that Radlaw didn't have the right to disagree with Chancellor Pound being present. No one said that they didn't have the right to protest and have their voices heard. On the contrary, they were invited to speak up, speak out and be heard, while respecting the event.

To those members of Radlaw who remained hell-bent on disrupting the event, let it be known that in my opinion, you were blatantly disrespectful, condescending, inflammatory and ruthless not only toward Chancellor Pound, but a *fellow student group*. It is beyond me that you would not see and feel shame for your actions.

With great anticipation, I (and many others) await your explanation and answers.

# In Response to Nonsense

by AIDEN TALAI and ROB LA ROSA (LAW I)

We would like to preface this editorial by making it very clear that while we are MESLA (McGill Entertainment and Sports Law Association) members, the following comments express our personal views and opinions and are not intended to represent the position of MESLA as an association or of its other members.

In the past few weeks, it has become evident that a small group of individuals have made a habit of disrupting the activities and club-oriented efforts of their fellow students. The first such incident occurred last week with the Bogenda "insanity," and has continued more recently with these students protesting an apolitical MESLA event. The event had a dual purpose - to provide a forum in which to discuss doping policy in amateur and professional sport, and to provide insight into the entertainment law field. A panel of lawyers working in this field was invited to speak on this subject, amongst them McGill Chancellor Richard Pound - the foremost authority on doping in sport. Before proceeding, it would seem useful to provide a brief insight into MESLA's core objectives and policies.

After a prolonged leave of absence, McGill's Entertainment and Sports Law Association (MESLA) was reintroduced to the Faculty of Law this academic year in an effort to provide aspiring sports and entertainment lawyers, like ourselves, with direct access to an increas-

ingly exclusive field of law. MESLA's speaker series is a critical part of this process. It provides its members a dynamic environment through which they can learn about this field as well as interact with practicing sports and entertainment lawyers. In turn, this process serves as a key mechanism through which MESLA members can build meaningful contacts inside the field prior to graduation. The McGill Faculty of Law does not offer much in the way of courses on this subject (outside of Me. Benoit Gerardin's Sports Law course) and both the sports and entertainment industries generally do not channel recruitment through the CDO. Hence MESLA's activities are all the more valuable and indispensable for law students with interest in this field.

What is perhaps most frustrating about the behavior of these 'protestors' is the fact that on numerous occasions they were encouraged to speak with members of MESLA and its invited speakers in an effort to accommodate their concerns and provide an arena to air their grievances. For example, Chancellor Pound offered to meet with any student who had concerns over his recent comments. Moreover, he offered to meet in an open forum, available to all McGill law students in order to provide a truly public atmosphere for discussion. Unfortunately, these students opted to forego this process and proceed instead with their planned disruption and protest of MESLA's

speaker series. This effectively forced MESLA, an apolitical association, to cancel this highly anticipated and painstakingly planned panel discussion. It is important to emphasize that MESLA was entirely willing to negotiate a compromise acceptable to all parties. Unfortunately, these individuals chose to respond in turn by slandering MESLA executives, publicly castigating them as 'fascists' and 'racists'.

These actions have an impact not only on MESLA, but on the student body as a whole. Not only do they create a tense and divisive atmosphere within the Faculty, they also tarnish McGill's public image as well as influence private law firms' perception of the student body. The planned MESLA panel was to include partners at Stikeman Elliott and Heenan Blaikie, while Fraser Milner Casgrain had offered to cater the event. All three of these firms recruit heavily from within the Faculty. One can only wonder how their perception of the student body may have been affected.

The Faculty of Law has made considerable efforts to foster a sense of community, an objective not well served by actions that serve to divide and polarize the student body. Hence this issue extends beyond MESLA's speakers series or the political objectives of the dissenting students - it implicates us all. MESLA, fully cognizant of this dynamic, took proactive steps to try and arrive at a compromise. By refusing to



engage in a simple discussion, the dissenting students effectively sabotaged the efforts made by a fledgling club and acted contrary to the spirit of collegiality espoused by this Faculty.

What's next... protesting Bob Gainey's upcoming Speaker Series for taking too many PIMs while playing for the Peterborough Petes? (In case you were wondering, he was in the box for 99 minutes that year). All kidding aside - this is a serious issue that deserves careful consideration. Hopefully in the future, these dissenters will pause to consider the goals and aspirations of the entire Faculty in considering how best to express their political views and aspirations.

## Market Mutterings

by JER LEWSAW (LAW I)

You've been feeling down because you don't completely understand the complex relationships and products which are blamed for bringing down so many global financial giants. Little need to despair however, since you have more than a secret affinity for the television program "What Not To Wear" in common with insiders at the very epicentre of the financial meltdown. You'll be delighted to know that the majority of the good folks employed at these companies, including the most senior among them, barely understood their businesses either. Surely it would only be haggling to speculate on whether their ignorance on such matters was of more consequence than yours.

You'd be foolish of course to take my word for it. Thanks to the wonders of post-collapse internal audits, we can allow the e-mails to speak for themselves! It is with great pleasure that I present to you my favourites for whatever history will choose as the Best Quote of the Meltdown.

1. "It could be structured by cows and we would rate it." – Standard & Poor's internal e-mail.

For those not hailing from farming communities, I submit that the idea of cows structuring packages of mortgage debt into collateralized debt obligations for resale merits quite a chuckle. Whether cows would have accepted such a foolhardy undertaking is debatable of course. What's arguably

more humorous about this quote is that S&P was one of three companies whose role it was to provide ratings to financial packages "structured" by the banks. They are the doorman at the party. This e-mail provided fodder for those who have accused S&P of being in the pocket of the banks and slapping "AAA" ratings on everything that passed their desks, like doormen waving in all and sundry.

2. "We have no idea of the details of our derivatives exposure and neither do you." – senior Lehman Brothers banker to Federal Reserve officials

I include this one because you were saying to yourself "sure, but the folks working at the rating agencies are only there because they couldn't get jobs with the banks." This memo dates from the weekend of Sept 13-14 when the U.S. Federal Reserve was struggling to make an ounce of sense out of Lehman Brothers' books in order to determine whether to save them from bankruptcy with taxpayer money. It was no doubt in a spirit of camaraderie that this senior banker helpfully informed the Fed specialists that it was useless to try to comprehend their business. After all, if this executive who had been working at the firm for years couldn't divine any sense from its books, why should these good people from the government waste their time? Oh, I don't know, perhaps because they manage billions of dollars of taxpayer money?

3. "The big problem the auditing firms seem to face is the ability to understand the transactions" – Professor Mark Holder, Director of the Financial Engineering Program at Kent State

The professor has correctly identified the problem. At each point along the mortgage securitization line, a handful of number crunchers and academics actually understand the products being made. None of these people, it goes without saying, have ever met any of homeowners the mortgage products are based upon, or even know whence in the country said mortgages originate. You might be forgiven for suggesting that perhaps we should have let cows structure these things, in hopes they might have accepted lower annual bonuses for the same final result.

4. Honourable mention: "With the benefit of hindsight, I can now say that I and many others were wrong." – Dick Fuld, CEO of Lehman Brothers, testifying before the U.S. House of Representatives Financial Oversight Committee.

Don't be so hard on yourself, Dick. How could you have been wrong about something you didn't even understand?



# Kosher Wine Tasting: If it's good enough for Elijahu....

by MIKE LEIBOV (LAW II)

The very first JLSA kosher wine tasting event kicked off to great success recently. Hosted by Judit Illes, president of the JLSA, and featuring a presentation by wine expert Ronnie Tock, the evening covered a range of topics to help newly minted connoisseurs examine and evaluate wine. Guests sampled red and white selections ("sampled", "consumed large quantities of" - minor distinctions...) More wine (and cheese) followed the presentation, giving guests a chance to finish the remaining bottles (or vice versa). Take away messages included the subjective nature of 'good' wine, identifying and appreciating complex aromas, and more generally,



how to look fancy with a glass of Merlot (swish, hold to light, sniff, repeat). Although no Manischewitz was

offered, other great wines were enjoyed by all in attendance, including students, practitioners, and Professor

Jukier. The JLSA would like to thank the LSA and SSMU for their support.

## Lawmerick

by COURTNEY RETTER (LAW I)

Unspoken fear seeps through November.  
Everyone knows, but still can't remember.  
How it feels to stay up for 48 hours,  
And be forced to schedule in time for a shower.  
What have I been doing since last September?



# REACHING ACROSS LINES

by NELLY MARCOUX (LAW I)

To be honest, had I actually owned a Bogenda, I probably would have participated in the recent « Bogenda party » a few weeks ago; so when I read Lee Rovinescu's article in last week's *Quid*, I felt personally concerned. I was amazed to witness the rift between this particular reading of the situation and my own. What I viewed as a basic exercise in freedom of speech and an inoffensive statement about corporate presence in our faculty was interpreted as an insult, a lack of gratitude towards people who worked hard to produce the Bogenda, and towards LSA members in general, a dismissal of their efforts to obtain funding and a lack of recognition of the benefits that accrue to the student body from these efforts.

I was struck by the title: « Under-appreciative students cross the line ». I could not help but think: "Which line? Who drew that line?"

Although I think these are important questions, I won't attempt to answer them here, and neither will I debate Lee's views or different versions circulating concerning recent events that have brought controversy to the faculty. In fact, I would much rather discuss lines.

**Lines.** They limit, mark, order, contour, circle, direct, organize our physical world and our perceptions of it. Lines play an equally crucial role in regulating society and relationships: when you have crossed the line, you're in trouble – you're trespassing.

Lines determine where you can and cannot go; they mark the boundary between the acceptable and the unacceptable. These recent events have shown that perceptions surrounding these categories vary widely, as do judgments concerning where the line should be drawn.

**Drawing the line.** Taking a position means basically deciding which side of an issue you will be on, what you will accept or not. As law students and as future litigators, we will be mandated to take sides. Our job will involve qualifying actions, framing issues, and selectively presenting facts in a way conducive to winning our case. This will influence the way we engage in debate and our perceptions of facts, people, and situations. We will be called upon to present arguments in black and white, to obfuscate and to make it all seem so obvious. In a system where conflict is considered a zero-sum game, we will face pressure to suppress the other side's version of the truth and to undermine its credibility. Let's not fool ourselves into believing that this way of managing conflict has no impact on communities, families and other social ties. That is one nasty little effect of lines: they keep people apart in separate spaces where they can no longer hear each other.

**Storylines.** Each party then builds its own narrative concerning the nature and meaning of events. These narratives crystallize into truths and each side's truth

becomes the Truth. Just consider how most conflicts, big or small, become polarized and how little receptivity each party comes to have for the alternative perspective. That's another thing about lines: they are one dimensional.

**Fishing lines.** Falling for the bait: when issues are sensitive and tempers flare, it is tempting to personalize conflict, to target each other, to release our righteous anger and throw insults, both overtly and covertly. At which point it becomes increasingly difficult to stop escalation, which leads me to my next line:

**Bloodlines.** The « you are not of my kind », « us » versus « them » logic is a powerful mechanism that negates the humanity of « them » and silences « their » voices. This renders possible attitudes and actions ranging from intolerance and disrespect to violence, oppression, and even murder and genocide in the worst cases.

**Finish lines.** Winners and losers. Unfortunately, that is what many conflicts end up being about. What is important is no longer to find a constructive solution, but to stamp out the other's perspective (when it is not stamping out the other).

**Dotted lines?** It's not the first time people have disagreed in a university faculty, and it won't be the last. Debate is not only inherent to and inevitable in an academic environment, it is desirable. Issues, spaces, and

discourse will be contested, groups will challenge one another, and we probably won't agree most of the time. Some won't accept to just toe the line. However, we have a choice in how we deal with these manifestations within our community. We can close ourselves off; or we can try to understand what it is the other side is really saying. We can say we are RIGHT and they are WRONG; or we can recognize that the others might actually have a point. We can simplify a debate and reduce it to a zero-sum game equation; or we can try to consider its nuances. We can decide to treat the other side's point as a non-issue; or we can recognize that, at least to them, it might be important. This is not easy, and it requires not only intellectual honesty, but also a great deal of courage, especially when issues affect us personally.

Here is an opportunity for us to reflect and examine our motives when engaging in dialogue, protest, negotiations and debate. Is our ultimate goal to win at all costs? Or are we open to a « win-win » resolution? This does not mean that we will agree on everything but that at the very least we will respect each other. We could agree to draw a dotted line between us, one that is permeable to the other side's realities and message and through which exchange can happen. Because most of the time, the truth lies somewhere in between.

(Every single pun intended.)



# "...où le vin est bon"

par MARC RICHARDSON ARNOULD (LAW II)

As a young boy I always thought that only older people liked wine, really old people. At either family reunions, or for the holidays, I'd always be 'forced' to try a sip of wine, at which point my heart usually stopped. I was shocked. I really hated wine. Secretly I think my parents knew it too! The whole experience was about as wonderful as finishing a plate of brussel sprouts (I still hate brussel sprouts). Yet, I had to oblige my parents and family members. The pressure was on.

My great uncle was the most sympathetic to my plight. He always rose to the occasion as soon as he noticed my usual reaction to a sip of wine, which tended to involve me keeping the wine in my mouth for as long as possible. (This, according to my parents, is much, much longer than you think when you're a child.) I suffered this self-inflicted torture in the hopes of catching a lucky break. I would bide my time, wine in mouth, and usually successfully evaded my family members' observant eyes. It was often, however, only with my great uncle's help that I could escape the room, usually hiding behind one of his rather 'large' legs, with him quite amused by the whole situation, hiding a smile behind a closed hand.

Once in the washroom I would try desperately to rid my mouth of that 'horrid' metallic taste. I remember wondering how they could drink so much of it ("a whole glass... really? I couldn't do that!"). My task accom-

plished, my great uncle would look at me and say, rather matter-of-factly, that one day I would come to love wine. He used to say, "It's in our blood." At a time when I already feared the next time I'd have to take another sip, I was, as you can imagine, quite skeptical.

In an attempt to reassure me, he told me that "wine got better with age." So I

Upon my now frequent visits to France, we usually share stories and opinions over a few bottles of wine.

With time I have come to notice that this activity is obviously not limited to my family, but rather rampant. Actually, our contemporary society has placed an increasing importance on wine. I've come to notice that one's knowledge of wine is

lovers and for those future fans of Bacchus not yet certain that wine is for them. These suggestions are for those lonely nights when either ice cream doesn't quite do it or scotch seems a bit too drastic a measure. They are to help you find that unexpected perfect gift. They may prove useful during business lunches and dinners, interviews, or even family gatherings. They are for future wine speculators who truly wish to test the age-old maxim that "wine gets better with age."



came to think that since all the 'old people' I knew loved wine, I'd probably come to like it too... with age. Of course, that isn't exactly what he meant. Nor did he mean that older people 'obviously' found a certain comfort and security in drinking something which got better with age.

Nevertheless, he was right.

valuable and can be impressive in any setting.

With this in mind, if there is any interest, I would like to regularly share with you certain experiences my love of wine has brought me, as well as a range of wines that I've discovered.

These suggestions are made by a wine-lover for wine-

## Wines for the week:

### Under Twenty

**Red:** *Comte André de Monpezat* [2005] (Cahors: France): \$14.30

This is a great wine to accompany any red meat. A wonderful thing about this bottle is that you can actually get a relatively old vintage at the SAQ for a very reason-



able price. You can then personally experience a wine that has aged a bit without having to pay that horrible cost that usually looks like a barcode! If you have a decanter, I suggest using it (I highly suggest you invest in one. Don't be fooled by the prices at those snobby wine stores, you can buy a decanter for a very reasonable price. Personally, I found one for \$10 that does the trick quite nicely). If you are out of luck and don't own a decanter (or if it shattered the last time you used it), then it's always best to open the bottle for about half an hour to an hour before drinking it. My trick is to open it before I start cooking.

**White:** *Domaine Guy Allion* [2007] Sauvignon Blanc (Touraine, France): \$14.90

You should always keep a bottle in the fridge. It's that affordable! And, you never know when you may need to entertain a close friend. If it is either too late for it to be served chilled or you just didn't have room in your fridge, then I suggest, with this and only this particular wine, to add an ice cube or two to your glass. Don't worry; it's a custom in Touraine. Ice cubes diminish the alcohol level of the wine, which is useful in France when you start drinking at seven in the evening (l'heure de l'angélus: when the church bell tolls in the village). It can also be useful if you want to enjoy your wine while trying to keep your head on your shoulders.

#### Twenty to Forty

**Red:** *Clos du Val* [2006] Zinfandel (California): app. \$22.95

Not much to say except that this is truly a sipping wine to be enjoyed with friends ei-

ther while watching the latest episode of *Gossip Girl* or *Boston Legal*, before going out, or while discussing philosophy, poetry or literature.

**White:** *Le MD de Bourgeois Sancerre* [2006] Sauvignon Blanc (Sancerre: France): \$34.75

Sancerre wines are known generally as being the best possible versions of a sauvignon blanc. This particular bottle allows you to enjoy the know-how of this region's winemakers. Many of you will likely be able and can enjoy comparing this wine to New Zealand sauvignon blancs, which are also very well reputed. That being said, if you want to really treat yourselves...have a taste.

#### Forty to Sixty

**Red:** *Osoyoos Larose* [2004/2005] (Okanagan, British Columbia): \$41.95

While at the winery in France, when I heard that Gruaud Larose had bought a vineyard in Canada I almost spit out my sip of the magnificently bodied 1996 vintage. Upon my return to Canada I was lucky enough to find a bottle and I was not disappointed, especially at the complexity of this Canadian wine. We are a far cry from the typical Canadian wines that tend to propose only one dominant 'cépage,' notably Merlot, Cabernet Sauvignon or Cabernet Franc. Osoyoos Larose has achieved a new and incredible complexity that resembles a mature French Bordeaux. This is a wine that you can drink now (although try and decant it, or open the bottle at least an hour before serving). This is also a wine you can store for a special occasion a few years down the road. This is definitely a

wine we Canadians can be proud of. Try it if you get the chance.

**White:** *Chateau Montelena* [2005] Chardonnay (California): \$44.50

This wine is just what you would expect from the Californian winery that topped French Chardonnays in 1976. I suggest you go see the movie *Bottle Shock* if you want to know the fascinating story of this particular wine and one of America's most prestigious wineries. With regard to the wine itself, it should be served chilled. Now, since we all likely keep our wine in our fridge, you should uncork the bottle and let it sit for about fifteen to twenty minutes before serving. A Chardonnay generally exudes certain flavors at a slightly milder temperature than our average fridge, which you can easily miss out on if you drink the golden liquid either too quickly or at too cold a temperature. If you plan on enjoying this particular bottle over dinner, be careful to avoid very strong flavors. Creamy cheeses, fruit and nuts, lightly seasoned poultry and fish are perfect and would complement the wine nicely (and let's be honest, that is what it's really all about... the wine).

#### For a very special occasion:

**Red:** *Monier de La Sizeranne Hermitage* (2004) (Vallée du Rhône: France): \$78.00

This is certainly a wine that will make any dull day memorable. It is truly an experience in and of itself. I suggest opening a bottle with a close friend or enjoying it with a significant other. If you enjoy it over dinner, be sure not to accompany your wine with very seasoned

foods or strong flavors. We make the mistake of generalizing about red wines. Especially in the case of southern wines which have the reputation of being full-bodied and higher in alcohol. This particular wine has truly subtle flavors and aromas that would unfortunately be kept hidden would you choose to enjoy it with that goat or blue cheese, so stick to brie or camembert.

If you are wondering whether the bottle is really worth the price if you know little to nothing about wine, I assure you, it is. If you can spare the money, or get together with friends and split the cost, you don't need to know much about wine to understand why this particular bottle is truly wonderful. If you really want to have something to compare it to, you can look to trying less expensive wines such as a Crozes-Hermitage, a St. Joseph, Cornas, Cote Rotie, all of which are a great way of building-up toward trying an Hermitage. If you have the chance to try it, please let me know your thoughts. It is definitely one of my favorite wines from the region.

**Please Note:** The Domaine Chapoutier provides a wide variety of wines, at a range of prices, all of which are usually of a very good quality.



# Speaking Out in Chancellor Day

by ANNELOISE GODBER (LAW I)

In the last issue of the Quid, Corey Omer reminded us that "all that is needed for the triumph of evil is that good people be silent." This captures the dynamic that hate speech creates: there is no neutral position. By not speaking out, you endorse what is being said. If students at McGill want to ask Chancellor Dick Pound about his recent comments regard-

ing Aboriginal people at a public speaking engagement that takes place on their campus, they have the right to do so. If they feel his comments misrepresent them or promote hate speech, they are morally obligated to do so.

This leads to the issue of space to speak out. Dissent and debate are normal

things, and add to the richness of our intellectual lives. Speaking out goes beyond filling out the complaint form provided for you, sending a private e-mail sharing your feelings, or filing quietly into the designated protest zone. People need to be able to choose their forum for speaking out. As long as the discussion is respectful, neither our representative body nor our fellow students should be telling us to pipe down. This may seem obvious. However, the rapid, aggressive, and personal response we have seen to students actively voicing concern over issues such as

Chancellor Pound's comments and corporate sponsorship in the Bogenda act strongly to limit dissent and debate.

Expressing dissent with the status quo or a particular event on campus is not negative or disrespectful. Law school should be about different perspectives, challenge and debate. Stifling these things does not serve our interests as students. So if things don't seem right, speak out! And let's listen up when our colleagues have something to say. If we disagree, discuss! Lather, rinse, and repeat.

## Well Played

by MATHIEU KISSIN (LAW II)

I never realized how patriotic I was until I started dating an American girl. Canada this, Canada that. Did you know that guy was Canadian? Basketball was actually invented in Canada. We're undefeated in wars against the United States, etc. Part of this is pride, another part is undoubtedly insecurity. How could you not know these things about Canada, we live right next to you!

The border between the two countries has been aptly described as a one-sided mirror. We know a lot about the United States, so much so that we are capable of engaging in discussions about American politics, often offering biting critiques. Their political culture is obviously quite different from ours. "Real" political issues such as foreign policy and the economy traditionally take a backseat to deeply divisive moral issues in the political discourse, indicative of the pervasiveness of religion within American society. We

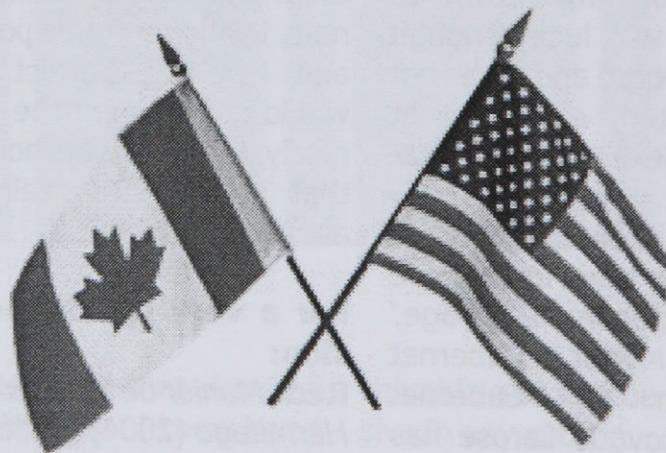
are at times baffled by the heavy emphasis placed on the candidates' personal appearance, the illogical campaign rhetoric and the lack of fact checking by the partisan media. The past eight years have made it particularly easy for Canadians to sit on their high horse and claim the moral high ground.

But deep down we have always known that our fate is forever intertwined with that of the United States. The reverberations of their economic struggles are felt around the world, but impact us particularly strongly. Hence, the nervous anticipa-

tion of the election. For us, it appeared it should be a landslide. There is little that the Republican administration did not do wrong during the past two terms and the Democratic candidate was a budding superstar. Joe the Plumber did little to inspire our confidence in the American people making what we believed to be the "correct" choice. At times we struggle to understand our American neighbours. While they have

campaign and refused to sink to the level of his opponents through, at times, an often arduous political process. Many, including myself, were skeptical of his chances when he announced his intention to run for the democratic nomination. In fact, nobody I know other than Kevin Grumberg can say they thought it was possible from the beginning. Yet here we are some 21 months later and Obama is the 44th President. A nation inspired not only by his eloquence, but the hope that his vision and ideas inspired. His candid assessment of major domestic problems was a hard pill to swallow for the "greatest nation in the world." But it represented a refreshing change from the usual denial and fear-mongering offered by politicians. The American people clearly indicated their readiness to take a new course in electing Obama with an overwhelming majority.

This event is momentous for several reasons. For the immediate future, it represents an opportunity to restore the United States to its not-so-



good intentions, recent history has led us to second-guess their judgment and there was a collective fear that they would let us down again. This fear, however, was also shared by many Americans.

Barack Obama ran a flawless



distant glory days. It also represents a coming of age for a country with a disgraceful past of slavery and racism, a legacy whose effects are still felt to this day. In electing a black president, the United States has taken a large step forward towards healing those wounds.

There is an overwhelming feeling of hope which reigns within the country. They have also restored faith in many people around the world who are optimistic that the new administration will have a more cooperative and constructive impact on the international stage. John McCain, a man who has dedicated his life to his country, was gracious in defeat and this election represents a symbolic passing of the torch to a new generation. While this occasion is certainly momentous and inspirational, a difficult series of challenges awaits the new president. Fixing these problems will not be an easy task. Obama just happens to be the man who inspires the most confidence that they can be overcome.

We in Canada certainly wish him the best, if not for any other reason than self-interest. While we like to mock the United States' wacky politics and revel in our comparative greatness, today we should pay homage to the American people. Their enthusiastic engagement in the political process evidenced by the high voter turnout, their inspirational political leadership which lights a fire under your ass and puts Stephen Harper to shame, and their election of a minority to lead their country are humbling achievements. We must give credit where credit is due: congratulations, my American friends.

# Rambling without a Destination...

by HINDA RABKIN (LAW IV)

It's bizarre. When you leave a place, you always imagine everything will go on exactly the way you left it, even when you know that it does not. I was quite surprised to find out that the Quid was no longer in circulation. I have only written in it twice before, never particularly well, but I have always enjoyed reading it. I would therefore like to do my best to ensure that the Quid remains a fixture at McGill Law and will make an effort to write weekly articles.

The way I tend to think doesn't lend itself particularly well to the weekly periodical format. I feel that I can only write a relatively good paper if I sit with it for weeks. In addition, I prefer to assert my opinions in conversation so that there can be instant dialogue. I find that it takes more courage to commit thoughts to paper, because you tend to be permanently associated with what you write (even mistakenly), more than with what you say. I lack that courage. But for the Quid, which has entertained me for three years as I rode the 129 bus home, or as I sat in the back of a class, I'll do anything.

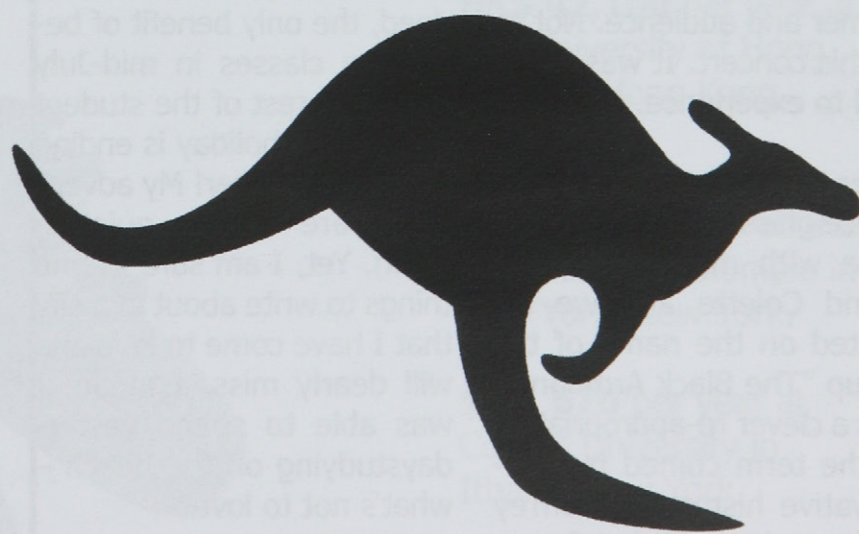
I am on exchange at the moment at the University of Melbourne. For those of you contemplating going on exchange, do it. This has been an incredible semester. And while I have learnt a lot about Australia, I have also discovered a lot of what I appreciate about McGill law. Firstly, it does come as a

shock that everyone is so young. It took me a while to get used to it. That however will soon change as Melbourne Law School permanently shifts to a graduate J.D. program. Secondly, I couldn't find any discursive analysis of law here! Who would have thought I would miss a nice 'let's bracket this' or a 'declarative v. descriptive' but so it is. I once offered a civil law approach in class as an alternative and the professor remarked (I paraphrase), 'Let us not be arrogant and remember that the common law is not the only paradigm for how law ought to be' – I was quite surprised that such a thing needed to be stated. Finally, and most shockingly, they don't have an equivalent of pubdocs here. I still haven't figured out how they get through all the readings (I am only writing papers so it's not something I will ever have to figure out), but I have a feeling it gets divvied every year among friends. So if you have few friends at

Melbourne Uni, you end up with a lot of work!

An exchange exposes you to different perspectives on how to approach similar problems. While this is obviously caricature, every time Aboriginal issues are broached in conversation it seems to go something like this: 'Wow. Canada. You guys have done so much. I mean can you imagine our government providing compensation?' and me answering: 'Yeah but the compensation forms were awful and categorized suffering in what I found to be demeaning terms, and it just seemed like money was being thrown at a problem when that wouldn't come close to providing the necessary healing. I have one word in terms of progress – Mabo. And Rudd's apology.' And then we throw in New Zealand, and so on and so forth. It sometimes ends with me asking if it's better to purchase the Kevin 07 T-shirt or the Kevin 11 one. I still haven't decided.

The other week, I went to a concert by an Aboriginal group called The Black Arm-band who played a show for the Melbourne International Arts Festival entitled "New





Republic." The singers were supported by the Melbourne Symphony Orchestra. It was one of the most moving and beautiful concerts I have ever attended. The show began with a woman entering with gum tree leaves that she spread on the stage and welcoming us to the land of the Wurundjeri people. Then there was a soul-wrenching song by a blind Aboriginal artist that was just acoustic guitar and his deep grainy voice. One man threw rock by rock into an aluminum tin, each symbolizing a close person who had passed away. He sang about his dream of living together as one and with tears in his eyes said, "Too many of our lives have been lost. Too many." There were also uplifting and political songs, such as the one with the common refrain "Treaty now." Some of the songs were in English, others in Aboriginal languages, and they had several incredible Didgeridoo solos.

As the sold-out crowd sitting in the State Theatre rose to their feet to rock out with the group, I thought about how incredible it was that The Black Armband had managed to instill a sense of community with the audience. I have been to quite a few concerts and there is always this divide between performer and audience. Not so at this concert. It was beautiful to experience.

After the concert, I went for a nice glass of Australian red wine with my Melbournian friend Colette and we reflected on the name of the group "The Black Armband." It is a clever re-appropriation of the term coined by conservative historian Geoffrey Blainey who said that focusing on Australia's failures and

destruction of Aboriginal communities was a "black armband view of history." Since Aboriginal peoples here self-describe themselves as black, the name and the way it is used by these Aboriginal musicians is significant on many levels. One interpretation would be to break up the phrase into separate words - "black arm band" - with band meaning music group.

Later on that week, I recognized an audience member who walked into the café where I work (I don't know how I will ever go back to percolator coffee after all the flat whites and delicious lattes ...). I started speaking to him about the concert, and it turned out he's an Aboriginal rights lawyer. He came back the next day with two books for me, one about Aboriginal rights in Canada and the other about Aboriginal rights in Australia.

And that's what I find to be the best thing about an exchange. It's an unparalleled opportunity to immerse yourself into a culture, a city, and a country that you could never come to close to understanding as a tourist. So for the meantime, I will try to relay some of my impressions about Melbourne and my time here.

It is exam period now. Indeed, the only benefit of beginning classes in mid-July while the rest of the student world is on holiday is ending in mid-November! My adventures are slowly quieting down. Yet, I am sure to find things to write about in a city that I have come to love and will dearly miss. I mean, I was able to spend yesterday studying on the beach - what's not to love?

## Should law students support differential tuition?

by JAMES GIBSON (LAW I)

In August, the Quebec Ministry of Education deregulated tuition for international students in six different faculties, including law. The Ministry's plan removes the ceiling on tuition that can be charged by the university. At the same time, it will gradually eliminate subsidies to teaching over a seven-year period. These measures will allow universities to set tuition in these faculties as they see fit while millions of dollars in annual funding are simultaneously removed.

There has been widespread concern that this deregulation for international students will open the door for a general deregulation of tuition that will affect law students. The fear is that this will lead to a system of differential tuition, where professional faculties such as law may pay significantly higher tuitions. Ontario law schools implemented differential tuition in 1997 and fees nearly doubled. Tuition in all schools outside of Quebec is considerably higher, including schools ranked similarly to McGill such as UBC (\$9,750) and University of Toronto (\$19,850).

Students and Dean Kasirer had an engaging discussion about differential tuition at town hall. Concerns were raised about how increased tuition would limit access for low-income students to enter law, how it would increase student debt for those who did enter, and how that would affect career decisions upon graduation.

How likely is the implementation of differential tuition for Quebec law schools? Alexandre Shee, Vice President External for the Law Students Association (LSA) saw deregulation of international tuitions as a clear step towards differential tuition in law school. Dean Kasirer refused to speculate, but urged students to watch the policy discussions in the upcoming provincial elections.

In the town hall, most students seemed to oppose differential tuition. It is understandable for students to resist a doubling in the cost of their university education. Student concerns, however, went beyond their own pockets. Many students at town hall argued that differential tuition threatened access to education as a fundamental right.

The Quebec post-secondary education system is nearly in a state of financial crisis and there is a clear need for greater funding. A tax increase seems politically unfeasible in the near future. Social services such as health care are also asking for sorely needed funds. While research grants and private donations may provide a way forward, it is likely that taxpayers will ask students to increasingly bear the cost of their own education.

As responsible citizens concerned with social solidarity, there are reasons to favour increased tuition. Law students are more able to pay than other faculties because our graduates enjoy higher



## How Much Are you Paying for Law School?

### Tuition will cost you...

average earnings. Every tax dollar that subsidizes our tuition could be reducing the costs of graduates from other faculties that contribute to society for smaller salaries. It's difficult to explain to graduates of social work why law students shouldn't pay more when some law alums go on to earn starting salaries upwards of \$70,000 in Toronto or \$150,000 in New York.

It's also difficult to argue why tax dollars should go to law students rather than primary schools. Taxpayers are more likely to see a benefit out of primary education for their children. It seems likely that a majority of McGill students come from middle- or upper-class families, such that tax dollars end up subsidizing mainly people from upper-class families. This is especially hard on Quebec taxpayers because a large share of McGill graduates leave Quebec to practice, taking the labour force benefits of public education investment with them.

At the same time, law students are right to be concerned about access to

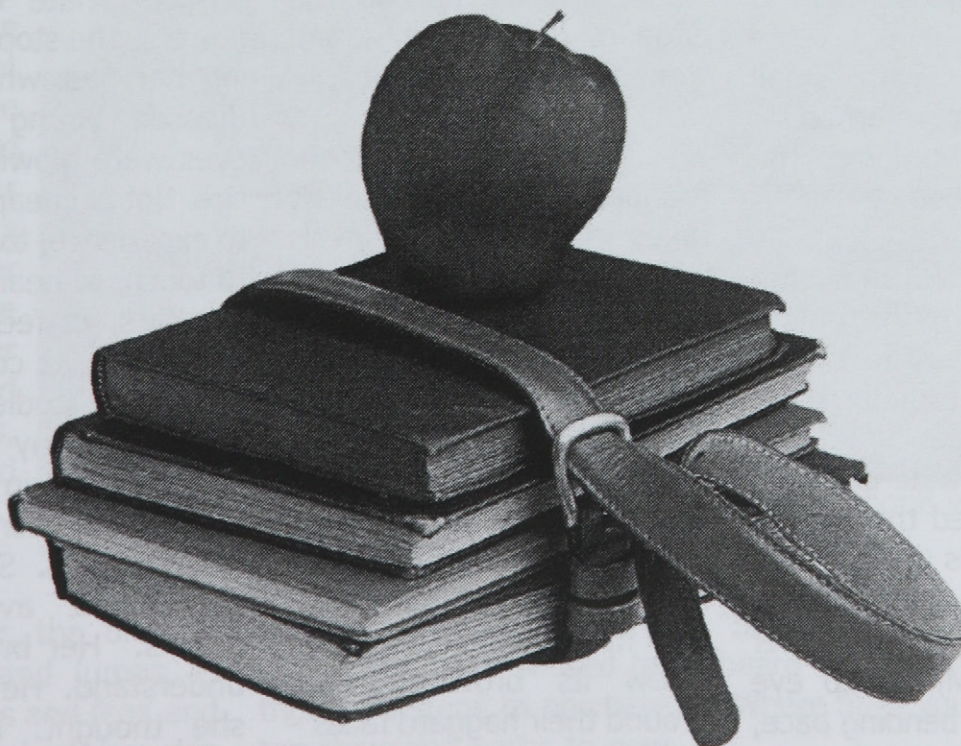
education. High tuition fees could close the door to low-income students that wish to enter McGill. Ontario legislation stipulates that a third of differential tuition fees be contributed to student aid in order to maintain access to education. A 2004 study commissioned by Ontario law schools reported a 4.7 per cent increase in enrolment of students from families with earnings in the top 40 per cent of the income distribution at the expense of students from families in the middle 20 per cent. Any differential tuition would have to increase student financial aid to help maintain access to education.

Law students should also be concerned about making sure that differential tuition does not determine career choices. Increasing student debt from higher tuition makes it more difficult for graduates to choose public interest careers. University of Toronto and U.S. schools such as Harvard have instituted programs that either relieve student debt or reduce tuitions for students entering public service careers. Investing a portion of differ-

ential tuition fees into such a scheme helps students do valuable work on public interest and access to justice issues.

In the future, law students will have to come to terms with the tough choices involved in financing post-secondary education. We will have to find a fair, responsible solution in a conversation with universities, students, and taxpayers at the table. If we are to accept an increased share of the costs, we should do it on our terms to make sure it is invested in quality education that is accessible and meets our needs.

Differential tuition took Ontario law students by surprise and they ended up with little to say in the process. Quebec law students should not make the same mistake and should start a conversation now to find realistic solutions for education financing. McGill students bring unique experiences from all parts of Canada. We have the ability and obligation to make our perspectives heard in these discussions.



**\$3, 318** per year for students from Quebec at McGill University in Montreal, Quebec.

**\$8017. 20** per year at the University of Victoria in Victoria, British Columbia

**\$11,288.59** per year for the Common Law Degree and **\$6, 592.31** per year for the Civil Law Degree at the University of Ottawa in Ottawa, Ontario.

**\$20, 155** per year at the University of Toronto in Toronto, Ontario.

**\$22, 080** at the University of New South Wales in Sydney, New South Wales.

**\$28, 800** per year at the University of Melbourne in Melbourne, Victoria.

**\$41, 900** per year at Harvard University in Cambridge, Massachusetts.

**HK\$ 42,100** per year at The University of Hong Kong in Hong Kong, China.

**\$44,124** per year at the University of Columbia in New York, New York.

**\$46, 670** per year at Cornell University in Ithaca, New York.



# The Hickey

by ALEX DOBROTA (LAW II)

The red spot grew and spread its reach from the soft skin at the base of Mariana's neck, where all blushes begin. She giggled when she first surprised it, on a grey morning, before her bedroom cabinet. She gently prodded the fuzzy contours of its shape, and passed her fingers twice around her neck. She shook a shiver off her shoulder blade. It tickled and glided down her breasts. She passed her fingers over it again. She thought she felt a knob, a needle pin under the crimson glow. She scratched it, poked it with her nail. The feeling left, like all the tickles do, eventually. She laughed, buttoned her bra, and tucked herself into the morning traffic. The blemish, though, remained – loyal and stern, and gathered strength.

She carried it day in day out, on streets, at parties and at work – her mark, her sign, her secret. It had long been since Pavel hadn't graced that place with lips hairy and blind racing in the gloom of dishevelled sheets, seeking the light that snaked only under her pulsating breath. He had stopped gracing anything these days. He mostly dragged his bloating from bed to car, from car to shed, and back inside the house, in front of a flat-screen TV, along a track that cut across snow and sleet and tears and ten thousand pleases and curses that whipped and burst into what-ifs, that cut across their lives and left scars, and creases long and deep and blew vapours of cheap liquor into yellowish sheets. Would that it swal-

lows him, she thought at times through sobs; would that he fall under a stone that gathers mud and rolls forth with pain, and wake up choking in his bad breath.

The stain, she felt, was strange. She meant to have it checked. But time had passed, and Christmas came. Masha and Eugene were home again; and all was gifts and stories and good times; and laughter filled the dining room; and little time one had to think of one. By March, the redness left. And in its stead, a lump lifted the skin at the base of Mariana's neck. A year later, it grew hard and grainy to the touch.

One cold December night, she walked the track of tears once again, and pulled open the door of the decrepit shed. Pavel fussed with brown paper bags. Too late. She saw. He raised his clammy eyes and waited for the blame.

"Please call the kids," she only said, and left.

He executed, with small steps. And then, returned for one more round, inside the old, decrepit shed.

How odd, a shed, in such a small backyard, the neighbours thought. The neighbours always thought them odd. So strange, how Pavel wore a ruffled wide-brimmed hat and pushed the orange mower on his lawn. How Mariana, tall and slender, haunted the garden in her long gown, with deep eye pockets and a bending pace, how unannounced she jerked her brow, and

propped her palm into her thigh, and let out an exploding laugh. Their kids were even stranger. Eugene talked out of turn; he kicked and screamed. His skin was olivine; his hair pitch black and two blunt bones protruded from his cheeks. At hockey, the kids took turns calling him "the nut."

And there was Masha; she rarely breathed a word to other girls. They liked her all the same, for her pink dress and her pink socks with motifs of a foreign Mickey Mouse. And when she talked, and they teased her rolling rolls of tongue, she just looked up and said, "Now leave," and stroked her glowing cheek.

Since then, they both had left the house, and cared not to look back. One buried his bones in a garage and haunted a mouldy flat strewn with beer caps. The other chased nice chasings. But it was for the best. The mortgage, it was almost paid. Two years left and they'd be free.

Eugene came first, but didn't bother knocking on the door. He parked his car on the edge of the driveway, and went straight to the shed.

His father sat inside, confounded with the toothless rakes and rusted shovels with knotty handles. He sat resting his head on forearms ridged by screwdrivers and levers, on a chair that spilled its plush guts under his bloated bag. It hung lazily from his chest and held its weight between his skinny legs. A thread of hemp dangled from the light-bulb that threw its brownish haze around their haggard faces – father and son and holy water – the trinity that

graced the shed with joy and screams and midnight hollers. They drank. And drank. And drank again. And would have drunk the rotten universe that fell from anti-matter like a plum into old oaken barrels at fall reaping time, and tipping over, crackling, when they emptied their smelly ooze in steely cauldrons sitting on fires for three days; and on the fourth, steamed up their ghostly gas into a spiral made of glass, sank in baptismal chilly water, from which dripped in symphonic beats the holy water into jam pots.

"How is she?"

"Bad."

"Let's do one more before we go."

"Ten thousand and we'll leave."

Masha was late.

She had changed a lot since she began her courses and rode her green bike down congested side streets, rising above the traffic, propped on white pedals and on a front basket ornate with plastic flowers. She stopped observing her feet when she addressed young men. Her eyes were glowing with desire. Not of cheap flicks – but to experience, to swallow all, to touch, to hear the unending bliss, to feel its matter unravelling its corpus at her feet. She studied art. She painted thorny plants that poked her virgin breasts and martyred women burning on white stakes. She thought she might avenge their deaths. Her brother didn't understand. He never will, she thought. Neither did Pavel. How primate and how vulgar did they walk, drunk



and content, and stuttering with spit leaning one on another, in their same drunken cavalcade.

She came all wrapped in flannel, strung in black tights, and knee-high woollen socks, and just enough mascara under her neatly plucked brows. She kissed Mariana and walked the track of tears to herd the boys. She never dared to enter. She simply thumped the green door hard.

They wobbled out, and poured their awkward strut around the dining table. Masha held tight her mother's hand.

"It's cancer," she said between two sobs. "I'm going into surgery next week."

The surgery was a success, the doctors said. And for two months, Mariana wore white gauze wrapped around her neck. One neighbour dropped by flowers. But he refused to cross the doorstep. "Get well," the little purple card read. Her workmates bought her cake on the first day of her return. And within hours, she had plugged back into her daily chores.

Within a year, the blemish came back, and lumps as well, and pains and fear, and Mariana fell to bed, her skin stretched thin across her

face, and tears slowly welling to drip down her temples. Pavel would often spend the nights inside the shed.

Before the chilly autumn bite would goad him in, they moved her into ward eight. The hospital sat perched two streets above the university. And every afternoon, Masha was sneaking in a bag that rustled with croissants. She laid beside her mother and read aloud a poem called The Lake.

One day, she called them all to her. To Pavel she said, please watch the kids. To Eugene, she smiled. He fared so far, and always will, she said. But she pulled Masha close to her, and whispered in one breath: "You're smart and full of hope. Don't marry someone like your dad."

back, and giving up she hurled herself inside a smoky hall. She leapt on tables, danced with smoke, and threw her tipsy arms around the mirrorball, and passed her hand around ten thousand hairy necks, and followed that one home. Patches of colours hid her moans. She wrapped her screams in sirens, and gripped the rail of a generic steel bed. She vanquished anonymity. She won. She had inside her divine will, moving along the surface of one single verse repeated fast in a dark room with corkscrew stairs down to the avenue, one hum exploding inside ten thousand sighs she sipped with purple straws and would stop breathing not to let out. Art died with her. She was. She lived.

through the house. Pavel was leaning on the cupboard. Eugene was smoking butts. Black sheets covered the mirrors. The priest had left, and incense lingered in the dining room. Her mother lay inside a cherry box. How beautiful she looked, how far her grace that pulled her down into the pillowed rest, how all was now and nothing left, and void filled Masha's arms and legs and falling walls cascading fast trapped every second in a cloistered space.

A shiver shook her shoulder blade. She turned and saw her brother staring, dumb. He saw the bottom of her neck. And stared, and would move not. She threw a quizzing look around.

The slap resounded with a loud clap and sent her head first into the wall. She foundered and had only time to see her brother's boots galloping down the hall. A rivulet of blood streamed from her nose. She didn't cry. She rose alone, arranged her skirt and walked into the bedroom, before her mother's cabinet.

She wiped her face and pulled the black sheet from the mirror. She giggled. Down by the

base of her pulsating neck, a blemish threw its crimson glow, a hickey from the night before that grew and spread its reach from the soft skin, where all blushes begin.

Her cell phone woke her up by noon.

"She died last night," she heard her brother say. "Where have you been?"

Her footsteps echoed



And Masha left alone. She walked downhill and cried small memories of glass that broke on the cold ground. She walked and walked ten thousand steps to nowhere, ten thousand paths to now, ten thousand labyrinths and



# The Hickey

by ALEX DOBROTA (LAW II)

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propped her palm into her thigh, and let out an exploding laugh. Their kids were even stranger. Eugene talked out of turn; he kicked and screamed. His skin was olivine; his hair pitch black and two blunt bones protruded from his cheeks. At hockey, the kids took turns calling him "the nut."

And there was Masha; she rarely breathed a word to other girls. They liked her all the same, for her pink dress and her pink socks with motifs of a foreign Mickey Mouse. And when she talked, and they teased her rolling rolls of tongue, she just looked up and said, "Now leave," and stroked her glowing cheek.

Since then, they both had left the house, and cared not to look back. One buried his bones in a garage and haunted a mouldy flat strewn with beer caps. The other chased nice chasings. But it was for the best. The mortgage, it was almost paid. Two years left and they'd be free.

Eugene came first, but didn't bother knocking on the door. He parked his car on the edge of the driveway, and went straight to the shed.

His father sat inside, confounded with the toothless rakes and rusted shovels with knotty handles. He sat resting his head on forearms ridged by screwdrivers and levers, on a chair that spilled its plush guts under his bloated bag. It hung lazily from his chest and held its weight between his skinny legs. A thread of hemp dangled from the light-bulb that threw its brownish haze around their haggard faces – father and son and holy water – the trinity that

graced the shed with joy and screams and midnight hollers. They drank. And drank. And drank again. And would have drunk the rotten universe that fell from anti-matter like a plum into old oaken barrels at fall reaping time, and tipping over, crackling, when they emptied their smelly ooze in steely cauldrons sitting on fires for three days; and on the fourth, steamed up their ghostly gas into a spiral made of glass, sank in baptismal chilly water, from which dripped in symphonic beats the holy water into jam pots.

"How is she?"

"Bad."

"Let's do one more before we go."

"Ten thousand and we'll leave."

Masha was late.

She had changed a lot since she began her courses and rode her green bike down congested side streets, rising above the traffic, propped on white pedals and on a front basket ornate with plastic flowers. She stopped observing her feet when she addressed young men. Her eyes were glowing with desire. Not of cheap flicks – but to experience, to swallow all, to touch, to hear the unending bliss, to feel its matter unravelling its corpus at her feet. She studied art. She painted thorny plants that poked her virgin breasts and martyred women burning on white stakes. She thought she might avenge their deaths. Her brother didn't understand. He never will, she thought. Neither did Pavel. How primate and how vulgar did they walk, drunk



and content, and stuttering with spit leaning one on another, in their same drunken cavalcade.

She came all wrapped in flannel, strung in black tights, and knee-high woollen socks, and just enough mascara under her neatly plucked brows. She kissed Mariana and walked the track of tears to herd the boys. She never dared to enter. She simply thumped the green door hard.

They wobbled out, and poured their awkward strut around the dining table. Masha held tight her mother's hand.

"It's cancer," she said between two sobs. "I'm going into surgery next week."

The surgery was a success, the doctors said. And for two months, Mariana wore white gauze wrapped around her neck. One neighbour dropped by flowers. But he refused to cross the doorstep. "Get well," the little purple card read. Her workmates bought her cake on the first day of her return. And within hours, she had plugged back into her daily chores.

Within a year, the blemish came back, and lumps as well, and pains and fear, and Mariana fell to bed, her skin stretched thin across her

face, and tears slowly welling to drip down her temples. Pavel would often spend the nights inside the shed.

Before the chilly autumn bite would goad him in, they moved her into ward eight. The hospital sat perched two streets above the university. And every afternoon, Masha was sneaking in a bag that rustled with croissants. She laid beside her mother and read aloud a poem called The Lake.

One day, she called them all to her. To Pavel she said, please watch the kids. To Eugene, she smiled. He fared so far, and always will, she said. But she pulled Masha close to her, and whispered in one breath: "You're smart and full of hope. Don't marry someone like your dad."

back, and giving up she hurled herself inside a smoky hall. She leapt on tables, danced with smoke, and threw her tipsy arms around the mirrorball, and passed her hand around ten thousand hairy necks, and followed that one home. Patches of colours hid her moans. She wrapped her screams in sirens, and gripped the rail of a generic steel bed. She vanquished anonymity. She won. She had inside her divine will, moving along the surface of one single verse repeated fast in a dark room with corkscrew stairs down to the avenue, one hum exploding inside ten thousand sighs she sipped with purple straws and would stop breathing not to let out. Art died with her. She was. She lived.

through the house. Pavel was leaning on the cupboard. Eugene was smoking butts. Black sheets covered the mirrors. The priest had left, and incense lingered in the dining room. Her mother lay inside a cherry box. How beautiful she looked, how far her grace that pulled her down into the pillowed rest, how all was now and nothing left, and void filled Masha's arms and legs and falling walls cascading fast trapped every second in a cloistered space.

A shiver shook her shoulder blade. She turned and saw her brother staring, dumb. He saw the bottom of her neck. And stared, and would move not. She threw a quizzing look around.

The slap resounded with a loud clap and sent her head first into the wall. She foundered and had only time to see her brother's boots galloping down the hall. A rivulet of blood streamed from her nose. She didn't cry. She rose alone, arranged her skirt and walked into the bedroom, before her mother's cabinet.

She wiped her face and pulled the black sheet from the mirror. She giggled. Down by the

base of her pulsating neck, a blemish threw its crimson glow, a hickey from the night before that grew and spread its reach from the soft skin, where all blushes begin.

Her cell phone woke her up by noon.

"She died last night," she heard her brother say. "Where have you been?"

Her footsteps echoed

And Masha left alone. She walked downhill and cried small memories of glass that broke on the cold ground. She walked and walked ten thousand steps to nowhere, ten thousand paths to now, ten thousand labyrinths and





# Steps to being a Playah

by MAITHILI SAGAR (LAW III)

*Don't hate the player, hate the game.* When I heard Will Smith say that line in *Bad Boys II*, I loved it and started using it all the time as if I was the brown female version of Diddy. Little did I know that this line was not going to help me impress my friends with my "gangster-ness", but would be my mantra for legal recruitment. The truth is that finding a job, especially in the corporate world, is a very competitive process. But remember that if I got a job, so can you – just bear in mind that recruitment is a game that you need to play to win.

## 1. Know what type of player you want to be

For some reason, law students seem to believe that they have to be a corporate lawyer on Wall Street or Bay Street to be successful. However, there are other options like Main Street or Government. I think it is very important for each person to figure out for himself or herself what they want to do, without being influenced by the so-called standard of success.

I always knew that I wanted to be in the business world, so I researched firms that had important and successful corporate practices. The interesting thing is that I ended up having a job with a law firm that I didn't even know existed before I started applying for OCIs (on campus interviews), so look at every firm carefully. I also know a few people who researched firms that didn't come to Montreal for OCIs. I had applied to two such firms in Toronto, but they

didn't ask me to come in for interviews. If those were firms that I was truly interested in, I should have visited them during summer and contacted lawyers there so that my name would be recognized when I finally did apply.

## 2. Be a player in writing

Once you know what type of player you want to be, it is time to write a killah cover letter which will make firms want to meet you. This took me a long time because I found it hard to choose which three experiences I wanted to write about in my cover letter. Finally, I just asked a few close friends to look at my resume and tell me what impressed them the most, and used those examples to hopefully also impress law firms. I then got a few friends to read and correct my cover letter, which really helped me make it more concise yet strong. Make sure you do the same – your letter should show recruiters that you are different from the hundreds of other applicants and that you would be a great fit. And please don't forget to change your letter for each firm. I had one main cover letter template, and I changed the three lines about why I wanted to work for X LLP. There is a huge difference between working for a large sister firm and working for a boutique litigation firm, so make it look like you did some research.

It is also important to be realistic. I am an average student, so I knew that I couldn't be too choosy. I basically applied to almost

every Toronto business law firm that came to Montreal. I also applied to a few firms in New York, but I knew that was pushing it (I guess there's nothing wrong with a little bit of hope).

## 3. The on-campus interviews game

A true player should be able to survive in all types of situations, and there is no situation weirder than OCIs. Trust me. I felt like I was part of a herd: doors open, run to firm's curtained booth, shake hands and hope that you are firm enough but not too strong, talk for 8 minutes and try to smile genuinely, interviewers talk for 5 minutes about themselves, ask questions that you don't really care about for three minutes, hear announcement about one minute being left, pick up business cards, tell interviewers you look forward to hearing back from them, hear whistle, walk out of curtained booth, go to entrance, quickly drink a sip of water but not more because you might not have time to go to the restroom, look at your smarter classmates and get a bit worried, go to next interview

I must admit that I was surprised to find out which firms wanted to see me during on-campus recruitment. For example, Gowlings didn't want to interview me, but Osler did. This just shows you how unpredictable the whole process can be, unless you have a top GPA. I was fortunate to have a busy day. Some of my friends were exhausted by afternoon, but I was on an adrenaline rush. It's important for you to know what type of person you are – if you are energetic, you can handle a full day. If not, choose which

firms you want to be interviewed by carefully and cancel the others because you need to be a charming player, not a tired one. It sounds obvious but be confident and friendly (just remember not to be too friendly because you are still being interviewed – that was my mistake with some firms). I have heard stories about people with good GPAs who got no call-backs because they seemed to be only booksmart, boring or arrogant, so please be better version of yourself.

## 4. The real game begins

The real game begins at call day, when all firms call you between 8:00am and 8:15 am to book interview times with you. Part of the game plan is deciding which firms are your top choices because these should be placed on Monday. Firms know that if they are on Tuesday, they are not your top choice. That being said, I had an interview Tuesday morning and the firm seemed very interested in me. I also have heard about a few people who got offers from their Tuesday firms, but I believe that this is not common unless the firms really want you.

The best thing I did was find contacts in each firm that I had an interview with. I made sure to contact at least one articling or summer student, as well as an associate. Students are great because recruiters like to know that you tried to find out more about the summer and articling program. Associates are even better because they can give you great advice and insight on a firm. Be careful not to only focus on students from the firm because every law student will



be calling them – try to contact someone higher up also. Two people I contacted knew my interviewers really well, and told them that I had called and seemed very interested in the firm even before I came for my interview. I also used the brown connection, so make sure you find people who have something similar to you or try to get introduced to them. For example, I had a friend who had graduated from law school at University of Toronto and is now working in Montreal (weird how that worked out). She introduced me to several of her classmates who were third year associates and they were very friendly and honest with me because they knew I was friends with one of their friends. At the end of the day, the legal community is quite small so you can find great contacts.

I had six in-firm interviews, and I had a very busy Monday and Tuesday, but my Wednesday was relatively calm. The interesting fact is that my top choices pre-OCIs were totally different from my top choices post-recruitment. I knew by Tuesday morning which firms were my top two choices, and I let those firms know it very explicitly. They also made it very clear that they were interested in me, so I didn't focus on other firms as much. This could be a gamble because I have friends who were invited back to law firms three times, but still got no offers from them on Wednesday, so be careful not to put all your eggs in one basket. Like a player, keep your options open.

There is also a difference between what I call unofficial offers and official offers. Four firms let me know that they

were very interested in me – some were a bit more direct than others. For example, one interviewer told me that everyone who met me really liked me, and then asked me if I knew who my top choices were. When I answered that I did know my top two choices but didn't tell the interviewer that his firm was one of them, he understood that I wasn't interested. Another firm told me out right that they wanted me to work for them, and told me that I could come and meet anyone I wanted so that I can eventually choose their firm. Basically, this is when you have to understand that an unofficial offer will become an official offer if a firm believes that you would agree to work for them if they were to call you at 5pm on Wednesday. One firm had called me on Wednesday morning to ask me if I had any questions and if I would like to meet more people. That was another unofficial offer, which means a chance or test for the firm to see if I was truly interested. I said no thanks, and that firm didn't give me an official offer.

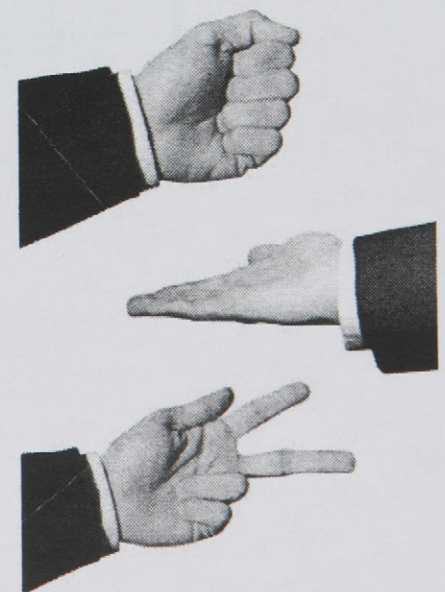
I believe that there is some strategy to this whole game. In fact, the best advice a third year associate gave me was that I should let my top choices know that they are my top choices. Some might believe that it sounds desperate, but you have to say it properly. Don't beg the firm to give you a job. Be more charming and sound wanted, but then explain that you really believe that working at Firm X would be right for you. I did and that is how I knew that I would get offers from two firms, so I was able to focus on them. I basically understood their signs on Monday, and by Tuesday, they made it quite

clear that they wanted me to work for them and would be calling me Wednesday. Also, firms will usually have an articling student who is in charge of you. I got along really well with my "handlers" (which makes me feel more like an animal than a player), so I asked them who was the right person to tell that I wanted to work for their firm. Also never underestimate the students – I doubt they can get you hired, but they can definitely help.

If you are worried that your marks aren't high enough, which was definitely one of my fears, make sure you do something amazing that really stands out. I worked in Dubai this summer and had interned at United-Nations last summer, and every interviewer wanted to talk about these experiences. I also believe that marks will be an important factor to get you an OCI and does play a role when choosing which students to invite back for in-firm interviews, but once you're in Toronto or New York, it's all about your personality and how you "fit" with the firm (I hate the word fit, but sadly it is true). Like I said earlier, speak to people in each firm so that your name gets out there and firms know that you're serious about working for them. Also, be able to carry a conversation. I have had three interviewers tell me that they really enjoyed talking with me and couldn't believe how quickly the time passed. I got along really with them so I asked them how their other interviews went. They told me that I wouldn't believe the number of law students who couldn't carry on a conversation and that five minutes into the interview, they had nothing else to say. I find most McGill

students to be very likable and talkative, but don't let nerves get to you. If ever you need to feel more confident, go and read your admissions file. It will show you that you are unique and that if McGill accepted you, you will get a job.

Being a player might seem complicated, but just watch 8 Mile and be prepared to play the game. Smile, act interested, understand each firm's personality and be confident. At times, I would even say that the recruitment process is similar to an epic battle, like 50 Cent v. Kanye West where you should work to be on the Golddigger side. And like Kanye, there are certain steps that you must follow to be a true player (just substitute music and fame for law and long hours).





# Legal Gaming Corner

## EASY

		6	2	4				
2	7							
8	4			7	5		3	
	8				1			
	1		4		9		5	
			3				1	
	3		1	9			4	8
							6	1
				5	8	7		



NOVEMBER 11TH, 2008

# Legal Gaming Corner...Part Deux

HARD

	8			5			2	
1				4			5	
		2			1			
4			5					7
		5	4	3	7	9		
7					9			6
			1			7		
	1			6				3
	4			7			8	



# *In Flanders Fields*

By Lt.-Col. John McCrae  
(1872-1918)

*In Flanders fields the poppies blow  
Between the crosses, row on row,  
That mark our place; and in the sky  
The larks, still bravely singing, fly  
Scarce heard amid the guns below.*

*We are the dead. Short days ago  
We lived, felt dawn, saw sunset glow,  
Loved, and were loved, and now we lie  
In Flanders fields.*

*Take up our quarrel with the foe:  
To you from failing hands we throw  
The torch; be yours to hold it high.  
If ye break faith with us who die  
We shall not sleep, though poppies grow  
In Flanders fields.*

*Please note the poem was retrieved from [poetry.com](http://www.poetry.com) at  
<http://www.poetry.com/greatestpoems>*